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AMCCC-B-IP

POINT PAPER

30 May 2001

SUBJECT: New Accessibility Requirements for Information Technology Purchases

FACTS:

- THE LAW REQUIRES ALL FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY WE PURCHASE TO BE ACCESSIBLE TO DISABLED EMPLOYEES.

Section 508 of the Rehabilitation Act was recently changed to require that all federal electronic and information technology developed, procured, maintained, or used after June 21, 2001 be comparably accessible to disabled employees as to able-bodied employees -- unless to do so would represent an "undue burden".

"Undue burden" generally means that compliance would result in significant difficulty or expense.

To the extent there is an "undue burden", the law requires that we document it and provide disabled employees an alternative means of access to the data or information.

- THE LAW APPLIES TO ALL FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY WE PURCHASE AFTER THE DEADLINE; HOWEVER IT DOES NOT APPLY TO NATIONAL SECURITY SYSTEMS.

"Federal electronic and information technology" includes computers and ancillary equipment, software, printers, fax machines, copy machines, telecommunications, web sites, and multi-media equipment and presentations.

It does not include national security systems or technology; systems that are an integral part of a weapons system; or systems that are critical to the direct fulfillment of the military mission. However, it does include routine administrative and business applications, even where those applications are directly related to the military mission.

In addition, it does not include contractor-purchased information technology that is incidental to the performance of a Government contract.

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- AFTER JUNE 21, 2001, DISABLED EMPLOYEES WILL BE ABLE TO SUE AGENCIES FOR NON-COMPLIANCE.

Disabled employees will be able bring suit against an agency for failure to make information technology comparably accessible. They may do this through an administrative complaint with the agency or through a private lawsuit in Federal District Court.

- THE FEDERAL ACQUISITION REGULATION IMPLEMENTS TECHNICAL COMPLIANCE STANDARDS.

The Federal Acquisition Regulation was changed on April 25, 2001 to implement technical compliance standards. Some highlights of the standards include:

A requirement that all computer work stations purchased after the deadline be compatible with “assistive devices” such as screen readers or refreshable Braille displays;

A requirement that all web pages be capable of being read by assistive devices through text equivalents of any images, icons, color-prompts, or image-based documents such as PDF files;

A requirement that all software purchased after the deadline be capable of being used through keystroke or voice-recognition commands, instead of mouse-only direction; and

A requirement that all training and other informational videos developed after the deadline be “close captioned” or “open captioned”.

- THE LAW ALSO REQUIRES THAT FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY BE ACCESSIBLE TO DISABLED MEMBERS OF THE PUBLIC.

The standards also apply to electronic and information technology which is intended for the public, such as web sites or information kiosks.

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- IMPLICATIONS FOR AMC:

Section 508 is not retroactive. This means we do not have to retrofit existing equipment or software.

All information technology we buy after the deadline must comply with the technical standards unless the purchase falls within one of the exceptions.

All new web sites and changes to existing web sites must comply with the technical standards after the deadline.

Existing web sites should comply with the technical standards by the deadline or as soon as possible, resources permitting. If resources are limited, webmasters should focus on the twenty most commonly accessed sites first.

Disabled employees and disabled members of the public can bring suit against the Army for non-compliant information technology we buy after the deadline.

Contractors may protest our information technology purchases after the deadline if the winning contractor's product does not comply with the technical standards.

AMC CIO has the lead to implement Section 508 within AMC. This will require coordination with AMCEE, AMCPE, AMCRDA, and AMCCC.

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